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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,854

01/16/2004

Sreenivas Addagatla

042933/271712

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08/27/2007

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EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,854	<b>Applicant(s)</b> ADDAGATLA ET AL.	
	<b>Examiner</b> Brian P. Whipple	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/04 and 10/17/06</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-21 are pending in this application and presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 16, and 19 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Sakai, U.S. Patent No. 6,665,810 B1.

4. As to claim 1, Sakai discloses a communications system comprising:  
a first host capable of transmitting multiplexed data at a first data transfer rate (Fig. 6, item 3);  
a second host capable of receiving multiplexed data at a second data transfer rate (Fig. 6, item 2);

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a data throttle, wherein the data throttle limits the first data transfer rate to a throttle value that is less than or equal to the lesser one of the first data transfer rate and the second data transfer rate (Fig. 6; Col. 6, ln. 37-50).

5. As to claim 3, Sakai discloses the throttle value transfer rate is obtained during a communications set-up period (Col. 5, ln. 43-61).

6. As to claim 4, the claim is rejected for the same reasons as claims 1 and 3 above.

7. As to claims 16 and 19, the claims are rejected for the same reasons as claim 1 above.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai as applied to claim 1 above, in view of Lin et al. (Lin), U.S. Patent No. 6,405,256 B1.

10. As to claim 2, Sakai discloses the invention substantially as in parent claim 1 above, including a first data transfer rate (Fig. 6, item 3) and a second data transfer rate (Fig. 6, item 2), wherein a data throttle limits the first data transfer rate to a throttle value that is less than or equal to the lesser one of the first data transfer rate and the second data transfer rate (Fig. 6; Col. 6, ln. 37-50).

Sakai is silent on the network having a third data transfer rate and limiting the throttle value based on the third data transfer rate.

However, Lin discloses the network having a third data transfer rate (Col. 3, ln. 8-28) and limiting the throttle value based on the third data transfer rate (Col. 3, ln. 8-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakai by throttling based on a third data transfer rate as taught by Lin in order to adjust data transfer rates to avoid congestion (Lin: Col. 3, ln. 8-28).

11. As to claims 8-9, the claims are rejected for the same reasons as claims 1-2 above.

12. As to claim 10, the claim is rejected for the same reasons as claim 4 above.

13. As to claim 11, the claim is rejected for the same reasons as claim 3 above.

14. As to claim 12, Sakai and Lin disclose the invention substantially as in parent claim 9, but do not explicitly disclose SIP.

Official Notice is taken that Session Initiation Protocol (SIP) is a well-known protocol for creating sessions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakai and Lin by using SIP as is well known in the art for the purposes of using a standard protocol to create sessions in a networking environment.

15. Claims 5-7, 17-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai as applied to claims 1, 16, and 19 above, in view of Bach et al. (Bach), U.S. Patent No. 5,619,650.

16. As to claim 5, Sakai discloses the invention substantially as in parent claim 1 above, but is silent on an applications layer, a sockets layer, a transport layer, and a network layer.

However, Bach discloses an applications layer, a sockets layer, a transport layer, and a network layer (Fig. 1; Abstract, ln. 4-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakai by explicitly disclosing the OSI model as this is a well-known standard means for communication among multiple devices (Bach: Col. 1, ln. 53-61). Additionally, it is well known to establish a sockets layer by distributing API

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through the session layer (Bach: Abstract, ln. 4-7) for the purposes of establishing communication across applications on different systems (Bach: Col. 2, ln. 58-61).

17. As to claim 6, the claim is rejected for the same reasons as claims 1 and 5 above.

18. As to claim 7, Sakai and Bach disclose the invention substantially as in parent claim 5, including the transport layer is comprised of a User Datagram Protocol (UDP) and the network layer is comprised of an Internet Protocol (IP) (Bach: Col. 2, ln. 43-48).

19. As to claims 17 and 20, the claims are rejected for the same reasons as claim 6 above.

20. As to claims 18 and 21, the claims are rejected for the same reasons as claim 7 above.

21. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai and Lin as applied to claim 8 above, in view of Bach.

22. As to claim 13, the claim is rejected for the same reasons as claim 5 above.

23. As to claim 14, the claim is rejected for the same reasons as claim 6 above.

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24. As to claim 15, the claim is rejected for the same reasons as claim 7 above.

***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPW

Brian P. Whipple  
8/17/07



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER

8/19/07